

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL EDWARD DURAN.,
Plaintiff,
v.
LONGORIA,
Defendant.

Case No. 1:20-cv-00289-JLT-HBK (PC)
ORDER STRIKING IMPROPER PLEADING
(Doc. No. 62)

Pending before the Court is a pleading filed by Plaintiff Paul Edward Duran titled “Plaintiffs [sic] response [sic] to produce all documents involved with instaint [sic] case.” (Doc. No. 62, “Response”). Plaintiff asserts he is “complying with the courts order given on May 12, 24 ordering Plaintiff to produce all writen [sic] documents thats involved with this instaint [sic] civil rights complaint.” (*Id.* at 1). Plaintiff states “he can not produce or provide any of the documents involved with this case, because over the last year [he has] been moved from correctional facility to correctional facility in the state of california and [his] legal work has been displaced . . .” (*Id.*). The docket in this case reflects that the Court did not issue an order on May 12, 2024 nor issued any order requesting any documents from Plaintiff. *See* docket.

On December 7, 2023, the Court issued a Discovery and Scheduling Order. (Doc. No. 51). The Court notes this case procedurally is in the discovery phase of litigation. To the extent that Plaintiff is responding to discovery requests propounded by Defendant, he must serve his response to any propounded discovery upon defense counsel. *See* Fed. R. Civ. P. 26-36.

1 Discovery requested or responses to any discovery should not be filed with the Court. Local
2 Rules 250.1, 250.2, 250.3, 250.4. The Court appraised Plaintiff in its February 28, 2020 First
3 Informational Order of these Local Rules and their prohibition. (*See* Doc. No. 3 at 3, § V, ¶ D).
4 Only when the propounded discovery is the subject of a motion should it be appended as an
5 exhibit to a motion. (*See Id.*). *See also* Fed. R. Civ. P. 37;

6 To the extent Plaintiff seeks any request from the Court, he must file a motion and “state
7 with particularity the grounds for seeking the order[.]” and “state the relief sought[.]” *See* Fed. R.
8 Civ. P. 7(b). Notably, Plaintiff’s Response does not seek any relief from the Court and cannot
9 liberally be construed as a motion.

10 Because Plaintiff’s pleading fails to comport with this Court’s procedural rules and its
11 Local Rules of which Plaintiff was advised, the Court will order the Response to be stricken. (*See*
12 Doc. No. 3 at § II, ¶ C, advising pro se prisoner of Fed. R. Civ. P. 7, § V, ¶ D, advising that any
13 discovery filed with the Court would be stricken).

14 Accordingly, it is **ORDERED**:

15 The Clerk of Court is directed to strike Plaintiff’s Response (Doc. No. 62).

16
17 Dated: June 27, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE